

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Judge Dallas Holmes
Department 2

Jury Trial Order

The matter of _____ v. _____, Case No. _____, was set for a **Trial Status Conference** on _____.

This matter is set for a **Mandatory Settlement Conference** on _____ at **4050 Main Street, Riverside, California, in Department 163 (the Great Hall in the Court House)**. Pursuant to California Rules of Court rule 222, trial counsel shall personally attend this conference, along with the parties and any person necessary to provide full authority to settle (unless excused by the court upon a prior showing of good cause). A defendant government agency shall have a representative present with authority to settle. If legislative approval is required to pay plaintiff's demand, the agency shall have a representative present with authority to commit to recommend to the legislative body payment of an amount necessary to settle. **A settlement conference statement shall be provided by _____ at least 5 days prior to the Mandatory Settlement Conference)** which includes a general description of the settlement efforts undertaken by the parties, but does not disclose the contents of any settlement negotiations or the amounts discussed.

This matter is set for a **Trial Management Conference** on _____ in **Department 2**.

This matter is set for **Trial** on _____ at **9:30 a.m., in Department 2**. Trial time estimate is _____.
Jury trial was requested by _____.

Counsel are directed to bring to the Trial Management Conference a joint statement setting forth:

1. **Parties**

A joint list of all parties, intervenors and lien claimants still in the case, and the attorney representing each party. If any party is not represented by counsel, so state. Each party shall state the name of the lawyer trying the case.

2. **Nature of the Case**

A joint statement of the case which should rarely exceed four simple sentences, and which will be used if there is good cause not to use mini-openings.

3. **Statement of Issues and Defenses**

A written statement of all issues and defenses, indicating those not in dispute and those remaining in dispute.

4. **Prior Orders and Findings**

A written statement of all prior orders and findings made in this matter, including their dates, which are dispositive of or affect any issue (summary adjudication of issues, issue or evidence sanctions, and the like).

5. **Stipulated Facts**

List all relevant facts not reasonably disputable. Please do make a good faith effort to stipulate to all such facts for incorporation into the trial record without further support.

6. **Witness List**

The parties are expected to be sufficiently prepared to be able to submit at the Trial Management Conference their joint witness list with name, area of residence, and occupation of each potential witness. Unless good cause is shown at trial, no undisclosed witness may be called.

7. **Relief Prayed**

A detailed written statement of the relief claimed, including itemization of all elements of damages claimed.

8. **Jury Selection (Jury Trials Only)**

A written statement of each party's position on (1) the number of sides under the Code of Civil Procedure for determination of the number of peremptory challenges and the number of peremptory challenges to be accorded each side; (2) the sequence of exercising peremptory challenges among the sides; and (3) the number of alternate jurors considered reasonable in view of the anticipated time for trial.

9. **In Limine Motions and Other Motions at Start of Trial**

In limine motions and all other motions to be made at start of trial, such as motion for judgment on the pleadings, shall be submitted in writing at the Trial Management Conference ("TMC"), together with points and authorities and proposed orders. No in limine motion on any subject of which any party was or should have been aware at the time of the TMC will be accepted at the time of trial. Counsel are requested to meet and confer informally before the TMC to see if they can stipulate to a mutually acceptable resolution before submitting motions to the court, or at least to be able to tell the court at the TMC which motions they oppose.

10. **Interpreter**

State whether an interpreter will be required for any party or witness, and, if so, what arrangements have been made for the retention of a certified court interpreter.

11. **Use of Discovery Materials as Live Testimony**

If depositions, responses to requests for admissions, interrogatories or other discovery materials are to be used in lieu of live testimony at trial, the party so proposing shall state in writing at this conference and submit to opposing counsel and parties all excerpts to be used. Opposing parties shall state objections, and such objections shall be heard prior to trial unless otherwise ordered by the court.

12. **Miscellaneous**

All other matters relevant or material to an expeditious and economical hearing shall be raised at the Trial Management Conference. All written information may be set forth by counsel jointly in one Trial Management Conference Report. The Court plans to use the American Judicature Society's pamphlet "Behind Closed Doors" to assist the jury in beginning its deliberations. A copy is available for counsel review from the deputy in Department 2.

Counsel are directed to bring the following to trial:

13. **Exhibits**

Prior to commencement of trial, the parties shall pre-mark and exchange all exhibits except those to be used for impeachment or rebuttal. The parties shall prepare a joint exhibit list describing briefly the nature of the document (i.e. "ltr dated _____ fr _____ to _____"; "photograph of accident scene"). Counsel shall list the exhibits to which there is no objection other than relevance. If an exhibit is objectionable on other grounds, the objection together with points and authorities shall be submitted to the court ten days prior to the trial date. Exhibits shall be numbered with each party taking an appropriate block of numbers (say, plaintiff 1-50 and defendant 51-100). Exhibits shall be pre-marked with exhibit tags obtained from the court clerk. Exhibits 8½" by 12" or smaller shall be placed in four loose-leaf binders (one for the witness, opposing counsel, the court and the court clerk). Counsel shall show photos, charts and other exhibits on the court's "ELMO" visual presenter. No easels or oversize drawing pads are available or necessary. Exhibits not exchanged may not be used except on order of the court on finding of good cause for failure to exchange in a timely manner.

14. **Jury Instructions**

On the morning of trial, before the jury panel is called, the lawyers will provide jury instructions in three stacks: agreed, disputed, and a clean set of all instructions consecutively paginated, with no caption or title and suitable for copying as is for jurors to follow along with the Court. These instructions should contain only the text as you wish it delivered by the Court to the jury. In other words, all choices of alternate wording shall be made and extraneous language and brackets deleted. The Court will make a special finding under CCP §607 and instruct before argument unless good cause to do otherwise is shown.

15. **Special Verdict**

The parties shall prepare and submit before commencement of trial all special verdict forms, also on a joint basis.

16. **Fees**

Jury fees are to be deposited at least 25 days prior to trial or you have waived your jury. After commencement of trial, jury fees and court reporter fees shall be paid daily.

Court will usually be in session Monday through Thursday from 9:30 or 9:45 a.m. to noon and from 1:30 p.m. to 4:00 p.m. or shortly thereafter. Counsel should anticipate the need for hearings outside the presence of the jury and should schedule those hearings with the court well in advance. Those hearings will normally be held before 9:30 a.m., between 1:00 p.m. and 1:30 p.m., or at the end of the trial day. We do not keep jurors waiting in the Great Hall while legal issues are argued that should reasonably have been anticipated before trial.

Do not run out of witnesses before our trial day concludes. The Court expects that counsel will extend to one another the courtesy of calling witnesses out of order to accommodate the witnesses' schedules and to utilize the time available when a witness is delayed. However, it is the professional responsibility of each attorney to present evidence efficiently and continuously until his or her side rests.

Counsel disregarding this order without good cause are subject to sanctions under Rule 227.